

LAND CONVEYANCES, CARSON AND SANTA FE NATIONAL
FORESTS

OCTOBER 30, 1997.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 434]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. LAND CONVEYANCE, CARSON NATIONAL FOREST, NEW MEXICO.

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey through sale or exchange to the County of Rio Arriba for the benefit of the village of El Rito, New Mexico (in this section referred to as “El Rito”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 5 acres located in the Carson National Forest in the State of New Mexico.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Forest Service.

(c) **LANDS ACQUIRED IN EXCHANGE FROM RIO ARRIBA COUNTY.**—Except as provided in this Act, any exchange of lands under subsection (a) shall be processed in accordance with the rules of the Secretary of Agriculture setting forth the procedures for conducting exchanges of National Forest System lands (36 CFR part 254). Any lands to be conveyed to the United States in such an exchange shall be acceptable to the Secretary and shall be subject to such valid existing rights or record as may be acceptable to the Secretary. Title to such land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) VALUATION AND APPRAISALS.—Values of any lands exchanged pursuant to subsection (a) shall be equal as determined by the Secretary. If, due to size, location, or use of lands exchanged under subsection (a), the values are not exactly equal, they shall be equalized by the payment of cash. The Secretary may accept cash equalization payments in excess of 25 per centum of the total value of the Federal lands exchanged. Value of any lands sold to the County of Rio Arriba shall be on the basis of fair market value as determined by the Secretary.

(e) DISPOSITION OF FUNDS.—Payments from a sale under subsection (a) or cash equalization payments may be made in equal installments for a period not to exceed 10 years. Any funds received by the Secretary through the sale or by cash equalization shall be deposited into the fund established by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall be available for expenditure, upon appropriation, for the acquisition of lands and interests in lands in the State of New Mexico.

(f) STATUS OF LANDS.—Upon approval and acceptance of title by the Secretary, any lands acquired by the United States pursuant to subsection (a) shall become part of the Carson National Forest and the boundaries of the National Forest shall be adjusted to encompass such lands. Such lands shall be managed in accordance with the Act of March 1, 1911 (commonly known as the “Weeks Law”) (36 Stat. 961), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System. This section shall not limit the Secretary’s authority to adjust the boundaries of the Carson National Forest pursuant to section 11 of the Act of March 1, 1911 (“Weeks Act”). For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Carson National Forest, as adjusted by this Act, shall be considered to be boundaries of the Forest as of January 1, 1965.

SEC. 2. LAND CONVEYANCE, SANTA FE NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, through exchange, to the town of Jemez Springs, New Mexico (in this section referred to as “Jemez Springs”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1 acre located in the Santa Fe National Forest in the State of New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Forest Service.

(c) LANDS ACQUIRED IN EXCHANGE FROM THE TOWN OF JEMEZ SPRINGS.—Except as provided in this Act, any exchange of lands under subsection (a) shall be processed in accordance with the rules of the Secretary of Agriculture setting forth the procedures for conducting exchanges of National Forest System lands (36 CFR part 254). Any lands conveyed to the United States in such an exchange shall be acceptable to the Secretary and shall be subject to such valid existing rights or record as may be acceptable to the Secretary. Title to such land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) VALUATION AND APPRAISALS.—Values of any lands to be exchanged pursuant to subsection (a) shall be equal as determined by the Secretary. If, due to size, location, or use of lands exchanged under section 1(a), the values are not exactly equal, they shall be equalized by the payment of cash. The Secretary may accept cash equalization payments in excess of 25 per centum of the total value of the involved Federal lands exchanged.

(e) DISPOSITION OF FUNDS.—Payments for any cash equalization for the exchange under subsection (a) may be made in equal installments for a period of not to exceed 10 years. Any funds received by the Secretary through the cash equalization shall be deposited into the fund established by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall be available for expenditure, upon appropriation, for the acquisition of lands and interests in lands in the State of New Mexico.

(f) STATUS OF LANDS.—Upon approval and acceptance of title by the Secretary, any lands acquired by the United States pursuant to subsection (a) shall become part of the Santa Fe National Forest and the boundaries of the National Forest shall be adjusted to encompass such lands. Such lands shall be managed in accordance with the Act of March 1, 1911 (commonly known as the “Weeks Law”) (36 Stat. 961), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System. This section does not limit the Secretary’s authority to adjust the boundaries of the Carson National Forest pursuant to section 11 of the Act of March 1, 1911 (“Weeks Act”). For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16

U.S.C. 4601–9), the boundaries of the Santa Fe National Forest, as adjusted by this Act, shall be considered to be boundaries of the Forest as of January 1, 1965.

PURPOSE OF THE BILL

The purpose of H.R. 434 is to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 434 would provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest to two small villages in New Mexico. The land shall be sold or exchanged to the County of Rio Arriba for the benefit of the village of El Rito and exchanged with the town of Jemez Springs, New Mexico. The sale and exchange shall be based on appraisals to determine fair market value.

The El Rito is an unincorporated village with a very small population. H.R. 434 calls for the Secretary of Agriculture to convey five acres located in the Carson National Forest for the purpose of a public cemetery. The conveyance would allow the community to expand the existing Martinez cemetery. H.R. 434 does contain a clause that states that if the Secretary of Agriculture determines that the property conveyed to El Rito is not being used as a cemetery, then the five acres will revert back to the Department of Agriculture.

The lands encompassing the area known as the Martinez cemetery were purchased as part of the larger Juan Jose Land Grant acquisition by the federal government in the 1940s. A small cemetery existed at that time and was mentioned as an encumbrance in the deed.

The second part of the bill requires the Secretary of Agriculture to convey, without consideration, to the town of Jemez Springs, New Mexico, one acre of land within the town to construct a fire sub-station for Jemez Springs. The land is currently located within the boundaries of the Santa Fe National Forest. H.R. 434 contains a clause that states that if the Secretary of Agriculture determines that the property conveyed to Jemez Springs is not being used as a fire station, then the acre will revert back to the Department of Agriculture.

In 1993, the Jemez National Recreation Area was carved out of the Santa Fe National Forest. The town of Jemez Springs was transformed from an obscure little village located in the Santa Fe National Forest to a little community hosting over one million visitors annually. The community of 460 people now faces problems associated with much larger cities.

With the increased number of visitors, one of the biggest problems facing Jemez Springs is fire control. The 1996 New Mexico legislature appropriated funds for the town to construct a much needed substation for the fire department. Without the necessary funds to purchase land to locate the substation, the town approached former Congressman Bill Richardson (D–NM). He in turn introduced H.R. 434 to resolve the town's problem.

COMMITTEE ACTION

H.R. 434 was introduced on January 9, 1997, by Congressman Richardson. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On September 25, 1997, the Subcommittee held a hearing on H.R. 434, where the Administration, Congressman Bill Redmond (R-NM) and Mayor David Sanchez of Jemez Springs, New Mexico, testified. Congressman Redmond (who succeeded Congressman Richardson) and Mayor Sanchez testified in support of passage of H.R. 434. The Administration testified in opposition to passage of H.R. 434 as it was introduced. The Administration stated at the hearing that it would be willing to work with Congressman Redmond and the Committee to draft appropriate amendment to the bill to assure that the federal government receives fair market value for the lands conveyed to the village of El Rito and the town of Jemez Springs. It also recommended that the bill be amended to specifically identify the parcels of lands involved. On October 7, 1997, the Subcommittee met to mark up H.R. 434. An amendment to resolve the Administration's concerns and assure that the federal government receives fair market value for the lands conveyed to the village of El Rito and the town of Jemez Springs was offered by Congresswoman Helen Chenoweth (R-ID) on behalf of Congressman Redmond, and adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On October 22, 1997, the Full Resources Committee met to consider H.R. 434. No further amendments were offered, and the bill as amended was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 434.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 434. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of

the Congressional Budget Act of 1974, H.R. 434 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 434 could affect direct spending, but such effects would total less than \$50,000 over the 1998-2002 period.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 434.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 434 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 29, 1997.

Hon. Don Young,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 434, a bill to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 434—A bill to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico

H.R. 434 would direct the Secretary of Agriculture to convey, through sale or exchange about five acres of federal land in the Carson National Forest to the county of Rio Arriba to benefit the village of El Rito, New Mexico. The bill also would direct the Secretary to convey, through exchange, about one acre of federal land in the Santa Fe National Forest to the town of Jemez Springs, New Mexico. Any land acquired by the United States in the exchanges would become part of the Carson and Santa Fe National Forests.

CBO estimates that enacting this bill would have no significant impact on the federal budget. Because H.R. 434 could affect direct spending, pay-as-you-go procedures would apply; however, CBO estimates that any such effects would total less than \$50,000 over the 1998-2002 period. H.R. 434 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform

Act of 1995 and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 434 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 434 would make no changes in existing law.

